

111TH CONGRESS
1ST SESSION

H. R. 642

To provide opportunities for continued recreational shooting on certain
Federal public land.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

Mr. FLAKE introduced the following bill; which was referred to the Committee
on Natural Resources

A BILL

To provide opportunities for continued recreational shooting
on certain Federal public land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Shooting
5 Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of Land Management.

1 (2) FEDERAL PUBLIC LAND.—The term “Fed-
2 eral public land” means any Federal land that is—

3 (A) publicly accessible;

4 (B) under the jurisdiction of and adminis-
5 tered by the Bureau of Land Management; and

6 (C) managed for purposes that include the
7 conservation of natural resources.

8 (3) RANGE TECHNICAL ADVISOR.—The term
9 “Range Technical Advisor” means a person des-
10 ignated by the Director who has experience as a
11 technical advisor for shooting range development, de-
12 sign, or operations.

13 (4) RECREATIONAL SHOOTING.—The term
14 “recreational shooting” means any form of shooting
15 sport or pastime, formal or informal, by whatever
16 name known, including (but not limited to) target
17 and practical rifle, pistol and shotgun shooting,
18 archery, trap, skeet, and sporting clays.

19 **SEC. 3. RECREATIONAL SHOOTING.**

20 (a) IN GENERAL.—Subject to valid existing rights,
21 Federal public land shall be open to access and use for
22 recreational shooting except as limited by the Director for
23 one or more of the following:

24 (1) Reasons of national security.

1 (2) Reasons of public safety, based on the writ-
2 ten recommendation of a Range Technical Advisor.

3 (3) To comply with applicable Federal law.

4 (4) To comply with a law (including regula-
5 tions) of the State in which the Federal public land
6 is located that is applicable to recreational shooting.

7 (b) MANAGEMENT.—Consistent with subsection (a),
8 the Director shall manage Federal public land—

9 (1) in a manner that supports, promotes, and
10 enhances recreational shooting opportunities;

11 (2) to the extent authorized under State law
12 (including regulations); and

13 (3) in accordance with applicable Federal law
14 (including regulations).

15 (c) NO NET LOSS.—

16 (1) IN GENERAL.—Federal public land manage-
17 ment decisions and actions shall, to the maximum
18 extent practicable, result in no net loss of land area
19 available for recreational shooting on Federal public
20 land. If any Federal public land is permanently
21 closed to recreational shooting, new acres of Federal
22 public land of comparable size and a reasonable dis-
23 tance from the closed location shall be designated for
24 recreational shooting and be opened for a number of
25 user-days equal to those available at the closed area.

1 (2) ANNUAL REPORT.—Not later than October
2 1 of each year, the Director shall submit to the
3 Committee on Natural Resources of the House of
4 Representatives and the Committee on Energy and
5 Natural Resources of the Senate a report that de-
6 scribes—

7 (A) any Federal public land that was
8 closed to recreational shooting at any time dur-
9 ing the preceding year;

10 (B) the reason for the closure; and

11 (C) Federal public land that was opened to
12 recreational hunting to compensate for the clo-
13 sure of the areas described in subparagraph
14 (A).

15 (3) CLOSURES.—The withdrawal, change of
16 classification, or change of management status that
17 effectively permanently closes Federal public land to
18 access or use for recreational shooting shall take ef-
19 fect only if, before the date of withdrawal or change,
20 the Director submits to the Committee on Natural
21 Resources of the House of Representatives and the
22 Committee on Energy and Natural Resources of the
23 Senate written notice of the withdrawal or change,
24 unless such closure is necessary immediately for rea-

1 sons of public safety, as certified by the Range
2 Technical Advisor, or national security.

3 (d) NO PRIORITY.—Nothing in this Act requires the
4 Director to give preference to recreational shooting over
5 other uses of Federal public land or over land or water
6 management priorities established by Federal law.

7 (e) AUTHORITY OF THE STATES.—

8 (1) SAVINGS.—Nothing in this Act affects the
9 authority, jurisdiction, or responsibility of a State to
10 manage, control, or regulate fish and wildlife under
11 State law (including regulations) on land or water in
12 the State, including Federal public land.

13 (2) FEDERAL LICENSES.—Nothing in this Act
14 authorizes the Director to require a license for rec-
15 reational shooting on land or water in a State, in-
16 cluding on Federal public land in the State.

17 (3) STATE RIGHT OF ACTION.—

18 (A) IN GENERAL.—Any State aggrieved by
19 the failure of the Director to comply with this
20 Act may bring a civil action in the United
21 States District Court for the district in which
22 the failure occurs for a permanent injunction.

23 (B) PRELIMINARY INJUNCTION.—If the
24 district court determines, based on the facts,
25 that a preliminary injunction is appropriate, the

1 district court may grant a preliminary injunc-
2 tion.

3 (C) COURT COSTS.—If the district court
4 issues an injunction under this paragraph or
5 otherwise finds in favor of the State, the dis-
6 trict court shall award to the State any reason-
7 able costs of bringing the civil action (including
8 an attorney's fee).

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